

UNITED STATES DISTRICT COURT  
for the  
SOUTHERN DISTRICT OF WEST VIRGINIA

In the Matter of the Search of

Katherine A. Hoover MD  
35 West Third Ave.  
116 West Second Ave.  
Williamson, West Virginia  
WesBanco bank  
Charleston, West Virginia  
Bridgeport, West Virginia

Case No. 2:10-MJ 37  
and relevant numbers  
28 through 36  
Judge Mary Stanley

MOTION FOR AN UNBIASED TRIBUNAL

NOW COMES Katherine A. Hoover MD, pro se, and requests that Judge Mary Stanley, Ms. Monica Schwartz, Judge Goodwin, and R. Booth Goodwin refrain from any further dealings with the matter of Katherine A. Hoover MD, pro se. In her previous MOTION, Katherine A. Hoover MD charged the US prosecutor and this Court with 1) Fraudulent seizure warrant, 2) Lack of Subject Matter Jurisdiction, 3) Contempt of Court by Ms. Monica Schwartz, 4) Fraud by DEA, FBI and State Police, 5) Bias by Judge Goodwin. The Motion asked this Court to investigate human rights violations of patients and Katherine A. Hoover MD. The Court's ORDER was obviously prejudicial against Katherine A. Hoover MD.

COUNT I: BIAS BY THE SOUTHERN DISTRICT OF  
WEST VIRGINIA JUDGES AND PROSECUTOR'S  
OFFICE

Judge Haden, in a case Criminal No. 2:99-00012-01, 02, 10, cited *Berger v. United States*, 295 U.S. 78, 88 (1935) "The US Attorney is the representative not of an ordinary party to a controversy, but of a sovereignty whose obligation to govern impartially is as compelling as its obligation to govern at all; and whose interest, therefore, in a criminal prosecution is not that it shall win a case, but that justice shall be done. As such, he is in a peculiar and very definite sense the servant of the law, the twofold aim of which is that guilt shall not escape or innocence suffer(.)" This case involved

Ms. Schwartz and the cover up of fraud. Katherine A. Hoover MD has made it clear that fraudulent affidavits have been used and agents in collusion with Ms. Schwartz have violated state law Article 4 60A-4-410. Prohibited acts-- Withholding information from practitioner; additional controlled substances; penalties. Ms. Schwartz admitted to using informants and attempted to coerce Katherine A. Hoover MD in pleading guilty for improper treatment of an informant who was obviously in violation of this law and guilty of perjury. (Every patient signs their chart stating that they need the medications prescribed to them and will take them properly.)

Judge Goodwin, as stated in the News Release of February 1, 2008, "Further, Chief Judge Goodwin also expressed concern about the number of physicians in Southern West Virginia who illegally prescribe controlled substances." "justice must satisfy the appearance of justice." United States v. Johnson, 690 F. 2d 638 (7th Cir. 1982) Statements such as the one by Judge Goodwin not only show bias, but an ignorance of the enormous complexity of the practice of medicine. His opinions caused permanent harm to the medical profession.

#### COUNT II: LACK OF SUBJECT MATTER JURISDICTION

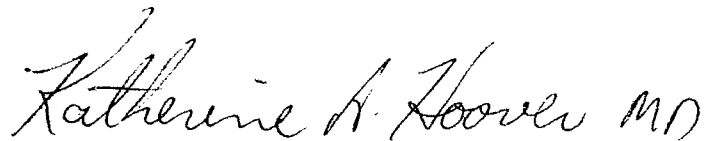
Ms. Schwartz, in her response, admitted that she was investigating a "medical practice". Under Gonzalez v. Oregon and Federal law 1801 "Nothing in this title shall be construed to authorize any Federal officer or employee to exercise any supervision or control over the practice of medicine or the manner in which Medical services are provided,...", Ms. Schwartz is prohibited from investigating a medical practice. Further, the Tenth Amendment "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States are reserved to the States respectively, or to the people." The regulation of medical practice is regulated to the States. Contract law applies because every patient signed an agreement with the practice to use their medications legally and the Federal government has no subject matter jurisdiction in civil contract law. If there is any misuse of drugs, law enforcement agencies can take action against the individuals, not the doctor (W.Va. law Article 4 S 60-4-410). The Federal government had no legal standing to investigate the medical practice at 35 West Third Ave. Williamson, W.Va.

#### COUNT III: FRAUDULENT CHARGES

Ms. Monica Schwartz badgered Katherine A. Hoover MD to plead guilty to treating or supervising the treatment of an informant. The informant was in violation of the law not Dr. Hoover because giving false information to a doctor in order to obtain drugs is a crime. Ms. Schwartz claimed to have other charges that would lead to a long jail term, better to go to jail for eighteen months. Ms. Schwartz claimed to have offered the same deal to Dr. Donald Kiser; later he plead guilty to other charges and a longer jail term. Ms. Schwartz is guilty of fraud and grand larceny by deception.

WHEREFORE, the charges in the original Motion filed June 14, 2010 stand. Ms. Schwartz and Judge Mary Stanley have shown bias and need removed and recused. An unbiased tribunal must be established to evaluate the damages to Katherine A. Hoover MD and her family.

Respectfully submitted,

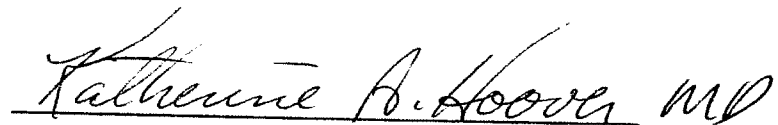


Katherine A. Hoover MD  
c/o Dr. Norman Gay  
247 West Bay Street  
Nassau, N.P., Bahamas  
fax: 242-328-4014  
phone: 242-525-4018

#### CERTIFICATE OF SERVICE

I, Katherine A. Hoover MD, do hereby certify that I have faxed a true and correct copy of the foregoing MOTION FOR AN UNBIASED TRIBUNAL to the U.S. attorney for the Southern District of West Virginia 304- 347- 5108 Judge Hayden and the Associated Press on July 6, 2010.  
Johnston

7

  
Katherine A. Hoover MD